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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): K. IKAWA, et al
Serial No.: 10/090,737
Filed: March 6, 2002
For: SECONDARY BATTERY POWER STORAGE SYSTEM
Group: 2838
Examiner: E. Tso

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DEC 1- 2004

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECH CENTER 2800

Sir:

Hitachi, Ltd., a corporation under the laws of Japan, located at 6, Kanda Surugadai 4-chome, Chiyoda-ku, Tokyo, Japan, is the sole owner of the entire interest in and to U.S. Application Serial No. 10/090,737, filed March 6, 2002, for SECONDARY BATTERY POWER STORAGE SYSTEM, by virtue of an Assignment recorded in the U.S. Patent and Trademark Office on December 23, 1994, under Reel 7298, Frame 0024, in connection with application Serial No. 08/363,372, filed December 23, 1994.

Hitachi, Ltd., hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of U.S. Patent No. RE37,678E, issued April 30, 2002, and hereby agrees that any patent so granted on the above-identified application shall be

enforceable only for and during such time that the legal title to said patent shall be the same as the legal title to U.S. Patent No. RE37,678E; this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, Hitachi, Ltd. does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. RE37,678E in the event that U.S. Patent No. RE37,678E later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term, as presently shortened by any terminal disclaimer.

The undersigned, (Melvin Kraus, the attorney of record), is empowered to act on behalf of the assignee, i.e. Hitachi, Ltd. for execution and submission of this Terminal Disclaimer. Further, on behalf of the assignee, the evidentiary document has been reviewed and it is certified that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take action.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and

that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: November 24, 2004



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